

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**GREAT MIDWEST INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**No. 1:12-cv-0047 GBW/SMV**

**PROFESSIONAL HOME HEALTHCARE, INC.,**

**Defendant.**

**ORDER SETTING SETTLEMENT CONFERENCE**

THIS MATTER is before the Court on the Rule 16 Scheduling Conference, held on March 16, 2012. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **Monday, August 20, 2012 at 9:00 a.m.** in ADR Suites 3 and 4, third floor, Pete V. Domenici United States Courthouse, 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person.

At least fourteen calendar days prior to the date of the Settlement Conference, Plaintiff shall serve on Defendant a letter setting forth at least the following information: (a) a brief summary of the evidence and legal principles that Plaintiff asserts will allow it to establish liability; (b) a brief explanation of why damages or other relief would be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand. At least ten calendar days before the Settlement Conference, Defendant shall serve on Plaintiff a letter that sets forth at least the

following information: (a) any points in Plaintiff's letter with which the defense agrees; (b) any points in Plaintiff's letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer. If a release is contemplated, defense counsel shall include a proposed form of release with the letter. Each of these letters typically should be five pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the Settlement Conference. If the case does not settle, Defendant shall provide copies of these letters to the Court no later than **5:00 p.m. on Monday, August 13, 2012.**

No later than **5:00 p.m. on Monday, August 13, 2012**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. Position statements may be submitted to the Court by facsimile at **575-528-1485** or by e-mail at **VidmarChambers@nmcourt.fed.us**.

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on Monday, August 13, 2012.**

The Settlement Conference may not be vacated or rescheduled except upon motion for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**